



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 57834/10
Yuriy Anatolyevich BOCHAROV
against Russia

The European Court of Human Rights (First Section), sitting on 4 March 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Julia Laffranque,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 7 September 2010,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Yuriy Anatolyevich Bocharov, is a Russian national, who was born in 1978 and lived before his arrest in Lipetsk. He was represented before the Court by Mr Ye. M. Khudyakov, a lawyer practising in Lipetsk.

The Russian Government (“the Government”) were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

The applicant complained under Article 3 of the Convention about an alleged lack of adequate medical assistance in pre-trial detention centres and correctional facilities. He also submitted further complaints under Articles 5, 6, and 13 of the Convention.

The complaint under Article 3 was communicated to the Government on 13 April 2012.

On 22 June 2012 the applicant sent a letter to the Court stating that he wished to withdraw the application. The letter in particular stated “I request

you to leave without consideration [the complaint] of my defence counsel concerning [lack of adequate medical assistance in detention]. I have no claims against medical personnel...”

On 27 July 2012 the Court informed the applicant’s representative and the Government about the applicant’s letter and the wish to withdraw the application. The Court invited them to submit any comments they wish to make.

On 17 August 2012 the applicant’s representative sent a letter to the Court stating that the applicant wished to maintain the application and that the withdrawal had been forced upon him.

On 14 September 2012 the Government submitted their observations in the case along with a letter stating that the withdrawal of the application was voluntary and there was no evidence of any duress.

In view of the discord concerning withdrawal of the application, the Court on 21 February 2013 by registered post advised the applicant’s representative Mr Ye. M. Khudyakov to submit a written statement confirming the applicant’s intention to further maintain his complaints. This statement had to be signed both by the applicant and Mr Ye. M. Khudyakov. No such statement was received by the Court.

On 31 July 2013 the applicant’s representative was reminded by registered post that he had to submit the abovementioned statement. The letter was received on 26 August 2013, but no reply had been sent to the Court.

By letter dated 6 September 2013, sent by registered post, the applicant himself was requested to confirm his wish to withdraw the application expressed in his letter of 22 June 2012. The applicant received this letter on 30 September 2013. However, no response has been received.

THE LAW

The Court considers that, in these circumstances and within the meaning of Article 37 § 1 (a) of the Convention, nothing justifies further examination of the present application. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

Accordingly, the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President